

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote Policy
and Program Coordination and Integration in
Electric Utility Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING ADDRESSING
MOTION TO INTERVENE OF REDEFINING PROGRESS**

On February 2, 2006, Redefining Progress submitted opening comments on the draft decision of Commissioner Peevey on a procurement incentive framework in this proceeding. Since Redefining Progress is not a party to this proceeding, the Docket Office did not file the comments, and advised Redefining Progress that it needed to obtain approval from the Administrative Law Judge via a Motion to Intervene in order to become a party to this proceeding.

Redefining Progress filed a Motion to Intervene on February 9, 2006 (Motion). I did not receive a copy of that motion until February 15, 2005 because Redefining Progress inadvertently failed to serve me electronically along with the rest of the service list.

In its Motion, Redefining Progress states that it is a nonprofit research organization that has been a very active participant in the Climate Action Team process, where it has presented testimony on economic and design issues relating to the implementation of a cap on greenhouse gas emissions. Redefining Progress requests permission to intervene in this proceeding with respect to

issues related to a greenhouse gas emissions cap, and requests that it be afforded party status for the purpose of commenting on the draft decision.¹

Redefining Progress' Motion is untimely and therefore, as the Commission noted in its final decision (Decision (D.) 06-02-032) issued February 16, 2006, its comments were not considered in addressing the issues in that decision.²

However, as noted in that decision, there will be a subsequent phase of the proceeding (or successor proceeding) addressing the implementation of the greenhouse gas emissions cap adopted therein, and Redefining Progress states in its Motion that it also seeks to participate in that forum. I will instruct the Commission's Process Office to add Redefining Progress to the appearance (party) category of the service list to this proceeding. In this way, Redefining Progress will be able to submit comments or other pleadings in the future in this proceeding on the implementation issues associated with D.06-02-032. However, Redefining Progress will need to follow the Commission's electronic service protocols in this proceeding, and other Commission Rules of Practice and Procedure in making such filings, and may need to consult with the Public Advisor's Office and/or the Docket Office to ensure that it follows those rules properly. Furthermore, I anticipate that the service list in this proceeding will be notified by subsequent ruling or Order Instituting Rulemaking in the

¹ In the alternative, Redefining Progress requests that it be allowed to participate "fully in an advisory capacity without intervention under the terms of Rule 54." (Motion, p. 2.) Rule 54 refers to the manner in which an individual or organization that does not file a pleading in an investigation or application proceeding may enter an appearance at a hearing. It is not relevant to the situation here. Nor do the rules provide for the type of "advisory capacity" role that Redefining Progress apparently seeks in this proceeding, if its motion is denied.

² D.06-02-032, p. 54, footnote 37.

coming weeks that a new service list will be established for the implementation phase of D.06-02-032. Redefining Progress will need to carefully follow the steps outlined in that notice to ensure that it remains on the service list.

IT IS RULED that:

1. The Motion to Intervene of Redefining Progress on the Draft Decision of Commissioner Peevey, Opinion on Procurement Incentives Framework, dated February 9, 2006, is denied without prejudice to its participation in the subsequent phase of this proceeding (or successor proceeding) addressing the implementation of the greenhouse gas emissions cap.

2. As discussed in this ruling, Redefining Progress shall be added as an appearance to the service list in this proceeding.

Dated February 24, 2006, at San Francisco, California.

/s/ MEG GOTTSTEIN by
LYNN T. CAREW

Meg Gottstein
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Addressing Motion to Intervene of Redefining Progress on all parties of record in this proceeding or their attorneys of record.

Dated February 24, 2006, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.